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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,618	02/05/2001	Isao Suzuki	Q62867	8356

7590 04/30/2004
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

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DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,618

Applicant(s)

SUZUKI, ISAO

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8, 13, 14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-5, 9-12, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (5,548,806).

Regarding claims 1 and 8, Yamaguchi discloses a method for determining a moving status of a portable telephone comprising a transceiver (see Fig. 4): receiving a call setup signal for an incoming call from a based station using a designated channel (waiting for call and under communication, see col. 9, lines 6-18), measuring a reception signal strength on a sequentially selected one of N radio channels (radio control channels, for example BCCH transmitted from a plurality of the micro base stations), that are previously designated by the base station at a timing other than a communication timing of the designated radio channel, where N is an integer greater than one (level measuring circuit detects level of radio control channels transmitted from a plurality of the micro base stations located around the mobile station by using empty slots which are not utilized for receiving the radio control channel or the communication channel, col. 9, lines 23-31), and determining a moving status of the portable telephone based on measured reception signal strengths (see col. 9, lines 35-52).

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Claims 17 and 18 are rejected for the same reasons as set forth in the rejection of claims 1 and 8 above.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 6, 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yamaguchi et al** as applied to claims 1 and 8 above, and further in view of **Sakoda et al. (6,532,223)**.

Regarding claims 6 and 13, Yamaguchi further discloses wherein the portable telephone communicates with the base station in TDMA scheme, (see col. 8, lines 59-63, col. 9, lines 13-31 and col. 12, lines 46-59), but fails to specifically teach wherein a next timing for transmission and reception is relatively determined by a current timing for transmission and reception.

However, it is very well known and expected in the art that in communications using TDMA scheme, communication between a base station and a terminal is performed in a predetermined time slot period using a slot configuration as taught by Sakoda (see Fig. 9, col. 8, line 52 to col. 9, line 12). According to Sakoda applying the TDMA scheme by dividing a single transmission band and reception band into time slots, which can be allocated to a plurality of terminals allows for efficient practical use of communication resources (see col. 1, lines 16-35).

It would therefore have been obvious to one of ordinary skill in the art to provide the advantages of TDMA communication to the system of Yamaguchi in order to

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ensure efficient practical use of communication resources for transmission and reception based on timing for transmission and reception as taught by Sakoda.

Regarding claims 7 and 14 Yamaguchi further teaches switching a communication channel from the designated radio channel to a sequentially selected radio channel of the N channels at an idle timing between adjacent timings for transmission and reception of the designated radio channel by measuring a reception signal strength on the sequentially selected radio channel and switching a communication channel from the sequentially selected radio channel back to the designated channel after a lapse of the idle time (see col. 11, line 38 to col. 12, line 10).

Allowable Subject Matter

5. Claims 2-5, 9-11, 12, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vaara (6,285,884) discloses a method for making handover decisions in a mobile communication system.

Farrag (5,711,005) discloses a method for implementing a personal access communication system in a high mobility environment.

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Konishi (5,898,926) discloses a channel switching system for maintaining communications.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 6-8, 13, 14, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 29, 2004
CA


CHARLES APPIAH
PRIMARY EXAMINER